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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,738	11/21/2006	Soren Badstue	36731-000083/US	5181
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EXAMINER				
PRICE, CRAIG JAMES				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,738

Applicant(s)

BADSTUE, SOREN

Examiner

Craig Price

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claims 1-20 are pending.

Claim Objections

Applicant's amendment overcomes the claim objections.

Drawings

The previous drawing objections are removed.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "an inner collar portion of the body" (no reference indicated, claim 6) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8,12,13,16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg (5,988,245).

Rosenberg disclose a pressure relief device for an inflatable tire, comprising, a body (21) having a chamber therein and defining a circumferential outer surface portion, an inflation valve (7,8) arranged in the body (in the assembled position), an overpressure valve (27) arranged in the body for releasing air when the air pressure in the chamber exceeds a first pressure level, the overpressure valve comprising at least one air conduit (26) extending from the chamber through the body to the circumferential outer surface portion, a ring-shaped resilient member (27) which is contractively fitted in a closed position around the circumferential outer surface portion, so as to keep the air conduit in a normally closed state; wherein properties and dimensions of the resilient member being such that the resilient member is stretched when the air pressure in the chamber exceeds the first pressure level, so as to provide an air passage from the conduit to an exterior environment, and the properties and dimensions of the resilient member further being such that the resilient member returns to the closed position, in

which the resilient member is contractively fitted around the circumferential outer surface portion and keeps the air conduit in the closed state, when the air pressure in the chamber returns to a level below the first pressure level, and wherein a bottom portion (22) of the body defines a cavity for receiving a valve of the tire centrally within the body, the cavity defining a threaded portion for screwing the device onto a threaded portion of a tire valve as shown in Figure 3.

Regarding claim 2, Rosenberg discloses that the resilient member (27) is arranged in a reduced diameter section of the outer surface portion as shown in Figures 3-5.

Regarding claim 3, Rosenberg discloses that the overpressure valve further comprises a spring element (the spiral representation not marked, shown in Figure 4 between 7 and 8) arranged in the housing, the spring element exerting a closing force on a closure element, so that the closure element opens at a second predetermined pressure level.

Regarding claim 4, Rosenberg discloses that the body comprises a weakened section (36 and 37, shown in Figures 6 - 8).

Regarding claim 5, Rosenberg discloses a pin (7) for releasing a stem of a tire valve, the pin being arranged to be able to slide axially in a first passageway in the body between a first position in which it cannot release the stem of the tire and a second position, in which it can release the stem, the body further defining a bypass (well known in the valve core itself, not shown, the bypass is through the inner portion and around the threaded portion of the stem) passageway through which air may pass

during inflation of the tire.

Regarding claim 6, Rosenberg discloses a pin (7) for releasing a stem of a tire valve, the pin being arranged to be able to slide axially in a first passageway in the body between a first position in which it cannot release the stem of the tire and a second position, in which it can release the stem, the pin having a head portion (the rounded portion of 7) at that end of the device which is remote from the tire when the device is mounted to the tire, the head portion being arranged such that it abuts an inner collar portion (as shown in Figure 4, the horizontal line directly below 7) of the body when the pin is in its first position.

Regarding claim 7, Rosenberg disclose that a bottom portion of the body defines a cavity (22) for receiving a valve of the tire centrally within the body, and wherein a top portion of the body is adapted to be connected to an inflation device (42), the air conduit (36) being arranged radially displaced with respect to the cavity near the bottom portion.

Regarding claim 8, Rosenberg discloses a protective cover (4) for covering at least the tope portion of the body, the cover being releasably connected to the body. (Col. 4, Lns. 39-42, describe 4 as being a conventional tire valve, which includes the cap, although not depicted in the Figures, the cap is included with the conventional valve stem/core assembly).

Regarding claim 12, Rosenberg discloses a means (the hole 26 and the ring 27 create a restriction which will emit a sound when the pressure is exceeded) for emitting an acoustic signal when the air pressure in the chamber exceeds at least one of the first and second predetermined pressure level.

Regarding claim 13, Rosenberg discloses an element configured to emit an optical signal (the ring 27, itself must move away from the hole in some manner, this movement provides an optical signal).

Regarding claim 16, Rosenberg discloses the combination of a pressure relief device and an inflatable tire (Col.1, Lns. 10-13).

Regarding claim 17, Rosenberg discloses a valve for inflation of a tire, the valve being integrated with a pressure relief device according to claim 1, so that the valve and the pressure relief device form one integrated unit as shown in Figure 3. (When threaded together the valve is one integrated unit).

Regarding claims 18 -20, Rosenberg discloses that the valve is being used for a tire valve, which is well known in the art to have a tire, a rim and a wheel. Regarding claim 19, as the unit is threaded together the valve forms one integrated unit.

Claims 1-3,5-7,9-13,16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwinn (2,473,912).

Schwinn discloses a pressure relief device for an inflatable tire, comprising, a body (1) having a chamber therein and defining a circumferential outer surface portion, an inflation valve (3) arranged in the body, an overpressure valve (22) arranged in the body for releasing air when the air pressure in the chamber exceeds a first predetermined pressure level, the overpressure valve comprising at least one air conduit (20) extending from the chamber through the body to the circumferential outer surface portion, a ring-shaped resilient member (22) which is contractively fitted in a closed position around the circumferential outer surface portion, so as to keep the air

conduit in a normally closed state; wherein properties and dimensions of the resilient member being such that the resilient member is stretched when the air pressure in the chamber exceeds the first pressure level, so as to provide an air passage from the conduit to an exterior environment, and the properties and dimensions of the resilient member further being such that the resilient member returns to the closed position, in which the resilient member is contractively fitted around the circumferential outer surface portion and keeps the air conduit in the closed state, when the air pressure in the chamber returns to a level below the first pressure level, and wherein a bottom portion (6,12) of the body defines a cavity for receiving a valve of the tire centrally within the body, the cavity defining a threaded portion for screwing the device onto a threaded portion of a tire valve.

Regarding claim 2, Schwinn disclose that the resilient member (22) is arranged in a reduced diameter section (near 19) of the outer surface portion as shown in Figure 2.

Regarding claim 3, Schwinn disclose that the overpressure valve further comprises a spring element (as well known in the art, within the valve core of the valve stem 3 and Col. 3, Lns. 7-14) arranged in the housing, the spring element exerting a closing force on a closure element, so that the closure element opens at a second predetermined pressure level.

Regarding claim 5, Schwinn disclose a pin (as well known in the art, within the valve core of the valve stem 3) for releasing a stem of a tire valve, the pin being arranged to be able to slide axially in a first passageway in the body between a first position in which it cannot release the stem of the tire and a second position, in which it

can release the stem, the body further defining a bypass (well known in the valve stem 3 itself, not shown, the bypass is through the inner portion and around the threaded portion of the stem) passageway through which air may pass during inflation of the tire.

Regarding claim 6, Schwinn discloses a pin (as well known in the art, within the valve stem 3) for releasing a stem of a tire valve, the pin being arranged to be able to slide axially in a first passageway in the body between a first position in which it cannot release the stem of the tire and a second position, in which it can release the stem, the pin having a head portion (as well known in the art, within the valve core of the valve stem 3) at that end of the device which is remote from the tire when the device is mounted to the tire, the head portion being arranged such that it abuts an inner collar portion of the body when the pin is in its first position (as well known in the art, within the valve core of the valve stem 3, the head of the pin abuts the top portion of the threaded section).

Regarding claim 7, Schwinn discloses that a bottom portion of the body defines a cavity (12,6) for receiving a valve of the tire centrally within the body, and wherein a top portion of the body is adapted to be connected to an inflation device (18), the air conduit (20) being arranged radially displaced with respect to the cavity near the bottom portion.

Regarding claims 9-11, Schwinn discloses a pressure adjusting system (Col. 3, Lns. 15-27) for varying at least one of the first and the second predetermined pressure level. Regarding claim 11, the element configured to vary a distortion of the resilient member is the

Regarding claim 12, Schwinn discloses a means (Col. 3, Lns. 62-69) for emitting

an acoustic signal when the air pressure in the chamber exceeds at least one of the first and second predetermined pressure level.

Regarding claim 13, Schwinn discloses an element configured to emit an optical signal (the ring 27, itself must move away from the hole in some manner, this movement provides an optical signal).

Regarding claim 16, Schwinn discloses the combination of a pressure relief device and an inflatable tire as shown in Figure 1.

Regarding claim 17, Schwinn discloses a valve for inflation of a tire, the valve being integrated with a pressure relief device according to claim 1, so that the valve and the pressure relief device form one integrated unit as shown in Figure 1.

Regarding claims 18 -20, Schwinn discloses that the valve is being used for a tire valve, which is well known in the art to have a tire, a rim and a wheel. Regarding claim 19, as the unit is threaded together the valve forms one integrated unit as shown in Figure 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (5,988,245) in view of Tanner et al. (3,994,312).

Rosenberg is silent to having a plurality of pressure relief devices according to claim 1, wherein the devices define different predetermined first and/or second pressure levels and wherein each resilient member defines a coloured outer surface portion, and wherein the outer surface portions of the respective resilient members of the devices are coloured differently, the kit further comprising a list of colours and corresponding pressure levels.

Tanner et al. disclose an inflation valve which teaches the use of a plurality of pressure relief devices according to claim 1, wherein the devices define different predetermined first and/or second pressure levels and wherein each resilient member defines a coloured outer surface portion, and wherein the outer surface portions of the respective resilient members of the devices are coloured differently, the kit further comprising a list of colours and corresponding pressure levels (Col. 1, Lns. 59-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a material having colored outer portion as taught by Tanner et al. onto the device of Rosenberg to have a plurality of pressure relief devices according to claim 1, wherein the devices define different predetermined first and/or second pressure levels and wherein each resilient member defines a coloured outer surface portion, and wherein the outer surface portions of the respective resilient members of the devices are coloured differently, the kit further comprising a list of

colours and corresponding pressure levels, in order to visually identify the proper valve to use for the proper pressure application.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwinn (2,437,912) in view of Tanner et al. (3,994,312).

Schwinn is silent to having a plurality of pressure relief devices according to claim 1, wherein the devices define different predetermined first and/or second pressure levels and wherein each resilient member defines a coloured outer surface portion, and wherein the outer surface portions of the respective resilient members of the devices are coloured differently, the kit further comprising a list of colours and corresponding pressure levels.

Tanner et al. disclose an inflation valve which teaches the use of a plurality of pressure relief devices according to claim 1, wherein the devices define different predetermined first and/or second pressure levels and wherein each resilient member defines a coloured outer surface portion, and wherein the outer surface portions of the respective resilient members of the devices are coloured differently, the kit further comprising a list of colours and corresponding pressure levels (Col. 1, Lns. 59-63).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a material having colored outer portion as taught by Tanner et al. onto the device of Schwinn to have a plurality of pressure relief devices according to claim 1, wherein the devices define different predetermined first and/or second pressure levels and wherein each resilient member defines a coloured outer

surface portion, and wherein the outer surface portions of the respective resilient members of the devices are coloured differently, the kit further comprising a list of colours and corresponding pressure levels, in order to visually identify the proper valve to use for the proper pressure application.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571)272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP

18 December 2008

/Stephen M. Hepperle/
Primary Examiner, Art Unit 3753

/C. P./

Examiner, Art Unit 3753